

7-7-2011

State v. Clinton Clerk's Record Dckt. 38755

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/not_reported

Recommended Citation

"State v. Clinton Clerk's Record Dckt. 38755" (2011). *Not Reported*. 301.
https://digitalcommons.law.uidaho.edu/not_reported/301

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Not Reported by an authorized administrator of Digital Commons @ UIIdaho Law. For more information, please contact annablaine@uidaho.edu.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

JOSEPH RICHARD CLINTON,

Defendant-Appellant.

Supreme Court Case No. 38755

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE DEBORAH A. BAIL

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Joseph Richard Clinton

Date	Code	User		Judge
5/3/2010	NCRF	PRNYEJED	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRNYEJED	Prosecutor assigned Jean Fisher	Magistrate Court Clerk
	HRSC	TCMITCBC	Hearing Scheduled (Video Arraignment 05/03/2010 01:30 PM)	John Hawley Jr.
	ARRN	TCFINNDE	Hearing result for Video Arraignment held on 05/03/2010 01:30 PM: Arraignment / First Appearance	John Hawley Jr.
	NCON	TCFINNDE	No Contact Order: No contact order OR Civil Protection Order Issued Expiration Days: 365 Expiration Date: 5/3/2011	Daniel L. Steckel
	CHGA	TCFINNDE	Judge Change: Adminstrative	Kevin Swain
	HRSC	TCFINNDE	Hearing Scheduled (Preliminary 05/17/2010 08:30 AM)	Kevin Swain
	BSET	TCFINNDE	BOND SET: at 250000.00 - (118-1508 Children-Lewd Conduct with Child Under 16)	Kevin Swain
		MADEFRJM	Notice Of Hearing	Kevin Swain
5/4/2010	NOPE	TCKEENMM	Notification of Penalties for Escape	Kevin Swain
5/6/2010	PROS	PRHARRSK	Prosecutor assigned Cathy Guzman	Kevin Swain
5/7/2010	ORMR	CCMANLHR	Order For Delivery of Medical Records	Kevin Swain
5/17/2010	ORPD	CCMANLHR	Defendant: Clinton, Joseph Richard Order Appointing Public Defender Public defender Ada County Public Defender	Kevin Swain
	CONT	CCMANLHR	Continued (Preliminary 06/03/2010 08:30 AM)	Kevin Swain
5/18/2010	MFBR	TCRAMISA	Motion For Bond Reduction	Kevin Swain
	NOHG	TCRAMISA	Notice Of Hearing	Kevin Swain
	RQDD	TCRAMISA	Defendant's Request for Discovery	Kevin Swain
6/3/2010	CONT	CCMANLHR	Continued (Preliminary 06/08/2010 08:30 AM)	Kevin Swain
6/8/2010	HRVC	TCMCCOSL	Hearing result for Preliminary held on 06/08/2010 08:30 AM: Hearing Vacated	Kevin Swain
	INDT	TCMCCOSL	Indictment	Kevin Swain
	CHGA	TCMCCOSL	Judge Change: Adminstrative	Deborah Bail
	HRSC	TCMCCOSL	Hearing Scheduled (Arraignment 06/14/2010 01:30 PM)	Deborah Bail
6/14/2010	MFBR	TCRAMISA	Motion For Bond Reduction	Deborah Bail
	DCAR	CCLUEDTC	Hearing result for Arraignment held on 06/14/2010 01:30 PM: District Court Arraignment- Court Reporter: Susan Gambee Number of Pages:50	Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Entry of Plea 07/13/2010 09:00 AM)	Deborah Bail
7/12/2010	CONT	CCLUEDTC	Continued (Entry of Plea 07/13/2010 09:30 AM)	Deborah Bail

State of Idaho vs. Joseph Richard Clinton

Date	Code	User	Judge
7/13/2010	DCHH	CCLUEDTC	Hearing result for Entry of Plea held on 07/13/2010 09:30 AM: District Court Hearing Held Court Reporter: Robin Lee Number of Transcript Pages for this hearing estimated: 50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Pretrial Conference 09/27/2010 09:30 AM) Deborah Bail
	PLEA	CCLUEDTC	A Plea is entered for charge: - NG (118-1508 Children-Lewd Conduct with Child Under 16) Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Jury Trial 10/12/2010 09:30 AM) Deborah Bail
		CCLUEDTC	Notice of Trial Setting Deborah Bail
7/16/2010	ORDR	CCLUEDTC	Ex Parte Order Allowing Access To Defendant Deborah Bail
7/27/2010	RSDS	TCRAMISA	State/City Response to Discovery Deborah Bail
	RQDS	TCRAMISA	State/City Request for Discovery Deborah Bail
7/29/2010	NOHG	TCPETEJS	Notice Of Hearing Deborah Bail
	HRSC	TCPETEJS	Hearing Scheduled (Hearing Scheduled 08/02/2010 09:30 AM) Motion for Info Part II Deborah Bail
8/2/2010	INFP2	CCLUEDTC	Information Part 2 Filed Deborah Bail
	ORDR	CCLUEDTC	Order For Leave To File Information Part II Deborah Bail
	DCHH	CCLUEDTC	Hearing result for Hearing Scheduled held on 08/02/2010 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambie Number of Transcript Pages for this hearing estimated: Motion for Info Part II 50 Deborah Bail
8/5/2010	MFBR	TCRAMISA	Motion For Bond Reduction Deborah Bail
	NOHG	TCRAMISA	Notice Of Hearing Deborah Bail
9/8/2010	MOTN	TCPETEJS	Motion to Commit Def and Request to File Eval Under Seal Deborah Bail
9/9/2010	MOTN	TCRAMISA	Motion for Leave to Provide Additional Information to Dr. Craig Beaver Deborah Bail
9/23/2010	ORDR	CCLUEDTC	Order Filing Evaluation Under Seal Deborah Bail
	ORDR	CCLUEDTC	Order For Leave to Provide Additional Information To Dr. Beaver Deborah Bail
9/27/2010	DCHH	CCLUEDTC	Hearing result for Pretrial Conference held on 09/27/2010 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambie Number of Transcript Pages for this hearing estimated: Bond Reduction 50 Deborah Bail
	HRVC	CCLUEDTC	Hearing result for Jury Trial held on 10/12/2010 09:30 AM: Hearing Vacated Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Status 10/25/2010 09:30 AM) Review Psych eval Deborah Bail

State of Idaho vs. Joseph Richard Clinton

Date	Code	User	Judge
10/25/2010	DCHH	CCLUEDTC	Hearing result for Status held on 10/25/2010 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambiae Number of Transcript Pages for this hearing estimated: Review Psych eval 50
	HRSC	CCLUEDTC	Hearing Scheduled (Pretrial Conference 01/13/2011 09:30 AM)
	HRSC	CCLUEDTC	Hearing Scheduled (Jury Trial 01/25/2011 09:30 AM)
10/26/2010		CCLUEDTC	Notice of Trial Setting
1/13/2011	DCHH	CCLUEDTC	Hearing result for Pretrial Conference held on 01/13/2011 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambiae Number of Transcript Pages for this hearing estimated: 50
	HRSC	CCLUEDTC	Hearing Scheduled (Sentencing 04/04/2011 09:30 AM)
	PLEA	CCLUEDTC	A Plea is entered for charge: - GT (I18-1508 Children-Lewd Conduct with Child Under 16)
	DMOP	CCLUEDTC	Dismissed by Motion of the Prosecutor with hearing (I19-2520G Enhancement-Mandatory Minimum Sentencing for Child Sexual Abuse)
	DMPW	CCLUEDTC	Dismissed by Motion of the Prosecutor without hearing (I19-2520G Enhancement-Mandatory Minimum Sentencing for Child Sexual Abuse)
	PSIO1	CCLUEDTC	Pre-Sentence Investigation Evaluation Ordered
	GPA	CCLUEDTC	Guilty Plea Advisory
	HRVC	CCLUEDTC	Hearing result for Jury Trial held on 01/25/2011 09:30 AM: Hearing Vacated
1/18/2011	ORDR	CCLUEDTC	Order for Psychosexual Evaluation
4/4/2011	DCHH	CCLUEDTC	Hearing result for Sentencing held on 04/04/2011 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambiae Number of Transcript Pages for this hearing estimated: 50
	FIGT	CCLUEDTC	Finding of Guilty (I18-1508 Children-Lewd Conduct with Child Under 16)
	STAT	CCLUEDTC	STATUS CHANGED: closed pending clerk action
4/5/2011	JCOC	DCTHERTL	Judgment Of Conviction & Order Of Commitment
4/26/2011	APSC	TCFARANM	Appealed To The Supreme Court
4/28/2011	ORDR	CCLUEDTC	Order Appt State Appellate PD
5/5/2011	MOTN	TCBROXLV	Motion for Reconsideration of Sentence
5/23/2011	STAT	CCTOMPMA	STATUS CHANGED (batch process)

DR # 10-007030

MAY 03 2010

J. DAVID NAVARRO, Clerk
By CAMILLE MITCHELL
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

James E Vogt
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

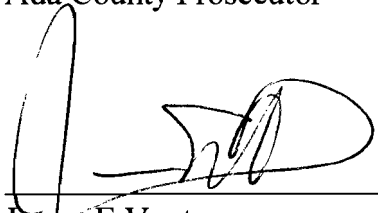
THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0007241
vs.)	
	)	C O M P L A I N T
JOSEPH RICHARD CLINTON,)	
	)	Clinton's DOB: [REDACTED]
Defendant.	)	Clinton's SSN: [REDACTED]
_____)	

PERSONALLY APPEARED Before me this 3 day of May 2010, James E Vogt, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that JOSEPH RICHARD CLINTON, on or about the 30th day of April, 2010, in the County of Ada, State of Idaho, did commit the crime of LEWD CONDUCT WITH A MINOR UNDER SIXTEEN, FELONY, I.C. §18-1508 as follows:

That the Defendant, JOSEPH RICHARD CLINTON, on or about the 30th day of April, 2010, in the County of Ada, State of Idaho, did willfully and lewdly, commit a lewd and lascivious act upon the body of a minor, N.C., under the age of sixteen years, to-wit: of the age of seven (7) years, by having manual to genital contact with the intent to arouse, appeal, or gratify the lust, passion, or sexual desire of the Defendant or said minor child.


All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



James E Vogt
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 3 day of May 2010.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Joseph Richard Clinton

PROSECUTOR J. Vogt

COMPLAINING WITNESS _____

CASE NO. FE10-7241

CLERK H. MANLEY

DATE 5/3 / 2010 TIME 1054

TOXIMETER _____

CASE ID. Cawthon 050310 BEG. 105414

END 105459

JUDGE

- | | |
|---|---|
| <input type="checkbox"/> BERECH | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input checked="" type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ STATE SWORN
☒ PC FOUND judicial note (5-11-10)
☒ COMPLAINT SIGNED
☐ AMENDED COMPLAINT SIGNED
☐ AFFIDAVIT SIGNED
☐ NO PC FOUND _____
☐ EXONERATE BOND
☐ SUMMONS TO BE ISSUED
☐ WARRANT ISSUED
☐ BOND SET \$ _____
☐ NO CONTACT

D.R. # _____

☐ DISMISS CASE

☒ IN CUSTODY

COMMENTS

() AGENT'S WARRANT

() RULE 5(b)

() FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

Joseph Richard Clinton CR-FE-2010-0007241

DOB: [REDACTED]

Scheduled Event: **Video Arraignment** Monday, May 03, 2010 01:30 PM

Judge: **John Hawley Jr.**

Clerk: DF

Interpreter: _____

Prosecuting Agency: X AC _____ BC _____ GC _____ MC

Pros: W. Meyring

PD / Attorney: _____

• 1 I18-1508 Children-Lewd Conduct with Child Under 16 F

135552 Case Called Defendant: X Present _____ Not Present X In Custody

_____ Advised of Rights _____ Waived Rights _____ PD Appointed _____ Waived Attorney

_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty

X Bond \$ 250,000⁰⁰ _____ ROR _____ Pay / Stay _____ Payment Agreement

_____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order

Δ says he has Atty.

PH 5/17/10 @ 8:30
w/ Swain

NCO w/ Victim & Minors.

Finish () Release Defendant

FILED 5/3/10 AT 2 p. M.
J. DAVID NAVARRO,
CLERK OF THE DISTRICT COURT
BY D. Hagan
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Joseph Richard Clinton

DOB [REDACTED]

SSN [REDACTED]

Defendant.

Case No. CRFE 10 - 7230

Reference No. _____

NO CONTACT ORDER

DR # 10-007030

☐ Ada

☒ Boise

☐ GC

☐ Meridian

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: A.C. and any minor child

Exceptions are:



no exceptions



to contact by telephone between _____ m. and _____ m. on _____

for the following purposes: _____



to participate in counseling/mediation



to meet with or through attorneys and/or during legal proceedings



to respond to emergencies involving the natural or adopted children of both parties



other: _____

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

Residence Address _____

Work Address _____

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge. A first and second conviction for the crime of violation of a no contact order is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. A third conviction for violation of a no contact order within five (5) years is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years, or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in the underlying charge for which this no contact order was imposed.

If there is more than one domestic violence protection order in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order.

This order may subject you to Federal prosecution under 18 U.S. Code § 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL EXPIRE:

☒ at 11:59 p.m. on 5/3/11

OR

☒ upon dismissal of this case, whichever comes first.

Defendant _____

Judge [Signature]

Date 5/3/10

Served by: _____

Dated served: _____

000009

NO CONTACT ORDER

White-FILE Green-ACSO Pink-DEFENDANT Yellow-PROSECUTOR

[REV 3-2009]

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

200 W. Front Street, Boise, Idaho 83702

NO. _____ FILED 11:29am

MAY 04 2010

STATE OF IDAHO,
Plaintiff.

vs.

Joseph Richard Clinton
7701 W Ustick Rd #sp94
Boise, ID 83704

Defendant.

J. DAVID NAVARRO, Clerk
By MEG KEENAN
DEPUTY

Case No: CR-FE-2010-0007241

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Preliminary Monday, May 17, 2010 08:30 AM
Judge: Kevin Swain

I HEREBY CERTIFY that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, May 03, 2010.

Defendant: Mailed _____ Hand Delivered _____ Signature _____
Clerk / date Phone () _____

Private Counsel: Mailed _____ Hand Delivered _____ Clerk _____ Date _____

Prosecutor: ☒ Ada ☐ Boise ☐ G.C. ☐ Meridian Interdepartmental Mail _____ Clerk mek Date 5/4/10

Public Defender: Interdepartmental Mail _____ Clerk _____ Date _____

Other: _____ Mailed _____ Hand Delivered X
Clerk _____ Date _____

Dated: 5/3/2010

J. DAVID NAVARRO
Clerk of the Court

By: _____
Deputy Clerk

Meg C. Keenan

S-3-10

NOTICE OF HEARING

000010

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY

FILED 5/4/10 AT 11:30 a.m.

J. DAVID NAVARRO,
CLERK OF THE DISTRICT COURT

BY Mary C. Freeman
Deputy

STATE OF IDAHO,

Plaintiff,

vs.

Joseph Clinton

Defendant

SSN: XXX-XX-

CASE NO. FB-10-7241

NOTIFICATION OF CONSEQUENCES AND
PENALTIES FOR ESCAPE PURSUANT TO
I.C. §§ 18-2505, 2506

TO: THE ABOVE-NAMED DEFENDANT, YOU ARE HEREBY NOTIFIED AS FOLLOWS:

I.C. § 18-2505 (1) Every prisoner charged with, convicted of, or on probation for a **felony** who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a **felony**, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. **A felony is punishable by fine not exceeding fifty thousand dollars (\$50,000.00) or imprisonment in the state prison not to exceed five (5) years or both.**

I.C. § 18-2506 (1)(a) Every prisoner charged with or convicted of a **misdemeanor** who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a **misdemeanor**. **A misdemeanor is punishable by fine not exceeding \$1000.00 or by imprisonment in the county jail not to exceed one (1) year or both.**

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a **felony**.

Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care.

I ACKNOWLEDGE RECEIPT OF THIS WRITTEN NOTICE.

Defendant: 

Dated: 5-3-10

000011

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,	)	Case No. CR-FE-2010-0007241
)	
Plaintiff,	)	ORDER FOR DELIVERY OF
vs.	)	MEDICAL RECORDS TO THE
	)	ADA COUNTY PROSECUTING
JOSEPH RICHARD CLINTON,	)	ATTORNEY'S OFFICE
	)	PURSUANT TO THE HEALTH
Defendant,	)	INSURANCE PORTABILITY
	)	AND ACCOUNTABILITY ACT
_____	)	AND IDAHO CODE §19-3004;
	)	ICR 17

This Court, upon information from the Ada County Prosecuting Attorney's Office that certain medical records described herein are necessary for preparation and presentation of the Prosecution's case in the above-captioned matter, and the Court concluding that the medical records do appear to be relevant and necessary to the proper adjudication of this matter, hereby orders that employees or representatives of CARES—ST. LUKE'S produce all personal health information, including but not limited to medical records, documents, photographs and billing

ORDER FOR DELIVERY OF MEDICAL RECORDS TO THE ADA COUNTY PROSECUTING ATTORNEY'S OFFICE PURSUANT TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AND IDAHO CODE §19-3004; ICR 17,

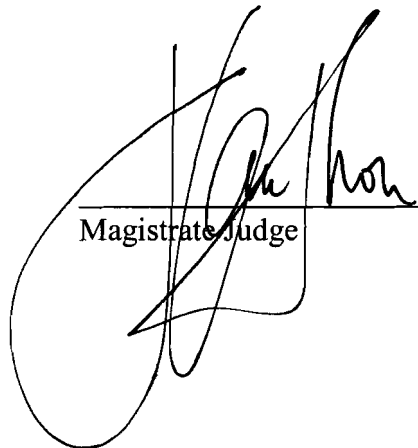
Page 1

statements in their custody pertaining to NOEMY CISNEROS (DOB [REDACTED] DOS 4/13/2002) to the Ada County Prosecuting Attorney's Office in response to a subpoena issued by the Prosecution in this case. The records may be generally provided in the manner set out in Idaho Code §9-420, except that the said records are to be made available for pickup by an agent of the Ada County Prosecuting Attorney's Office or law enforcement within three business days of the service of the subpoena, rather than be delivered to the Court.

This Order is also intended to require that personal health information, other than just the described written medical records, such as information known to employees or representatives of the CARES—ST. LUKE'S also be provided to the prosecution or criminal defense by interview when asked for and that those employees or representatives of CARES—ST. LUKE'S testify if required.

Any questions regarding said records should be directed to the Ada County Prosecuting Attorney's Office, (208) 287-7700.

IT IS SO ORDERED this 7 day of May, 2010.


Magistrate Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

NO. 010 FILED PM
MAY 17 2010

STATE OF IDAHO,

Plaintiff,

vs.

Joseph R. Clinton

Defendant.

CASE NO. FEL-7241

J. DAVID NAVARRO, Clerk
By H. MANLEY
DEPUTY

NOTICE OF APPOINTMENT
OF PUBLIC DEFENDER

☒ Ada

☐ Boise

☐ GC

☐ Meridian

TO: The Ada County Public Defender

YOU ARE HEREBY NOTIFIED that an Order has been entered by this Court ordering that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

PRE-TRIAL

Date _____ at _____ a.m./p.m. o'clock

JURY TRIAL

Date _____ at _____ a.m./p.m. o'clock

PRELIMINARY HEARING Swan

Date 6/3/10 at 8:30 PM a.m./p.m. o'clock

SENTENCING

Date _____ at _____ a.m./p.m. o'clock

OTHER _____

Date _____ at _____ a.m./p.m. o'clock

in the courtroom at the **ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID.**

The defendant is

☒ In custody

☐ Released on bail

☐ ROR

TO: The above-named defendant

YOU HAVE BEEN ORDERED BY THIS COURT to contact the Ada County Public Defender's office at **200 W. FRONT STREET, BOISE, IDAHO, ROOM #1107.**

☐ MISDEMEANOR DIVISION, TELEPHONE NO. (208) 287-7400

☒ FELONY DIVISION, TELEPHONE NO. (208) 287-7400

within one week and set an appointment to meet with your attorney. You must maintain contact with your assigned attorney and appear at your scheduled court hearings.

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

IT HAS ALSO BEEN ORDERED that, if the defendant is unable to post bond and obtain his/her release from jail, the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

FURTHER ORDERS OF THE COURT: _____

DATE: 5/17/10

H. Manley
Deputy Clerk of the District Court

[Signature]
Defendant's Signature of Receipt

Phone # _____

Copy to the Public Defender by interdepartmental mail on _____

000014

NOTICE OF APPOINTMENT OF PUBLIC DEFENDER

[REV 2-2002]

ADA COUNTY MAGISTRATE MINUTES

Joseph Richard Clinton CR-FE-2010-0007241

DOB: [REDACTED]

Scheduled Event: Preliminary Monday, May 17, 2010 08:30 AM

Judge: Kevin Swain Clerk: H. MANLEY Interpreter: _____

Prosecuting Agency: ☒ AC ☐ BC ☐ GC ☐ MC Pros: S. Dunn

PD / Attorney: _____

• 1 I18-1508 Children-Lewd Conduct with Child Under 16 F

91437 Case Called Defendant: ☒ Present ☐ Not Present ☒ In Custody

☐ Advised of Rights ☐ Waived Rights ☒ PD Appointed ☐ Waived Attorney

☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty

☐ Bond \$ 250,000 ☐ ROR ☐ Pay / Stay ☐ Payment Agreement

☐ In Chambers ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

D advised of Charges

Case Continued to 6/3/10 @ 830

91433

Finish () Release Defendant

FILED 5/17/10 AT 9:10 A.M.
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY [Signature]
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Joseph R. Clinton

Defendant.

CASE NO. FE-10-7241

NOTICE OF:

☒ Ada ☐ Boise ☐ GC ☐ Meridian

☐ FURTHER PROCEEDINGS

BEFORE JUDGE _____

☐ TRIAL SET COURT/JURY

BEFORE JUDGE _____

☒ PRELIMINARY HEARING RESET

BEFORE JUDGE Swain

☐ DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 8:30 o'clock a.m. on 6/3/10, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 5/17/10

By: [Signature]
Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:

Hand Delivered ☒

Mailed ☐

Clerk [Signature]

Date _____

Signature [Signature]

Address _____

Defense Attorney:

Hand Delivered ☐

Mailed ☐

Clerk _____

Date _____

Prosecutor - Interdepartmental Mail

Public Defender - Interdepartmental Mail

Clerk _____

Date _____

Clerk _____

Date _____

000016

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. 3

MAY 18 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

JOSEPH RICHARD CLINTON,
Defendant.

Case No. CR-FE-2010-0007241

MOTION FOR BOND REDUCTION

COMES NOW, JOSEPH RICHARD CLINTON, the above-named defendant, by and through counsel RICHARD D TOOTHMAN, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Tuesday, May 18, 2010.

Richard D. Toothman

RICHARD D TOOTHMAN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, May 18, 2010, I mailed a true and correct copy of the within instrument to:

CATHY GUZMAN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

Cathy Guzman

MOTION FOR BOND REDUCTION

000017

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ FILED P.M. _____

MAY 18 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

JOSEPH RICHARD CLINTON,
Defendant.

Case No. CR-FE-2010-0007241

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to CATHY GUZMAN:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Thursday, June 03, 2010, at the hour of 08:30 AM , in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Tuesday, May 18, 2010.

Richard D. Toothman

RICHARD D TOOTHMAN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, May 18, 2010, I mailed a true and correct copy of the within instrument to:

CATHY GUZMAN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

Quinn Harris

NOTICE OF HEARING

000018

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____
FILED _____
MAY 18 2010
J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

JOSEPH RICHARD CLINTON,

Defendant.

Case No. CR-FE-2010-0007241

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

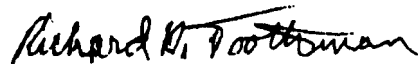
PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Tuesday, May 18, 2010.



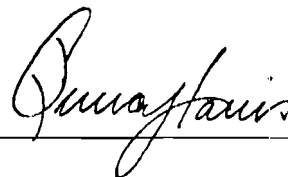
RICHARD D TOOTHMAN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, May 18, 2010, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



ADA COUNTY MAGISTRATE MINUTES

Joseph Richard Clinton CR-FE-2010-0007241

DOB: [REDACTED]

Scheduled Event: Preliminary Thursday, June 03, 2010

08:30 AM

Judge: Kevin Swain

Clerk: H. MANLEY

Interpreter: _____

Prosecuting Agency: ☒ AC ☐ BC ☐ GC ☐ MC

Pros: Casey Henner

PD Attorney: Rick Toothman

• 1 118-1508 Children-Lewd Conduct with Child Under 16 F

92719 Case Called Defendant: ☒ Present ☐ Not Present ☒ In Custody

☐ Advised of Rights ☐ Waived Rights ☐ PD Appointed ☐ Waived Attorney

☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty

☐ Bond \$ ☐ ROR ☐ Pay / Stay ☐ Payment Agreement

☐ In Chambers ^{250,000} ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

142819 Case Recalled

#1 - unable to proceed today.

#2 no obj, do w S/O

Case reset to 6/8/10 @ 830

Parties stip to Bond Reduction to \$150,000

143026

Finish () Release Defendant

000021

FILED 6/3/10 AT 230P M.
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY H Manly
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs. Joseph R. Clinton

Defendant.

CASE NO. FE10- 7241

NOTICE OF:

☒ Ada ☐ Boise ☐ GC ☐ Meridian

☐ FURTHER PROCEEDINGS

BEFORE JUDGE _____

☐ TRIAL SET COURT/JURY

BEFORE JUDGE _____

☒ PRELIMINARY HEARING RESET

BEFORE JUDGE Swain

☐ DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 8:30 o'clock (a.m.) p.m. on 6/8/10, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 6/3/10

By: H Manly
 Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:
 Hand Delivered ☒ Mailed ☐
 Clerk Dr Date _____

Signature Richard Lipton
 Address _____

Defense Attorney:
 Hand Delivered ☐ Mailed ☐
 Clerk _____ Date _____

Prosecutor ☒ - Interdepartmental Mail
 Public Defender ☒ - Interdepartmental Mail

Clerk _____ Date _____
 Clerk _____ Date _____

000022

JUN 03 2010

J. DAVID NAVARRO, Clerk
By H. MANLEY
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION
Criminal Court - Traffic Division
200 W. Front St.
Boise, Idaho 83702

MEMO FOR THE RECORD

Date: 6/3/10

Case Number: FE10 7241

Defendant: Joseph R. Chirba

Subject: _____

Bond reduced to \$150,000.

This Case Only

JUDGE: [Signature] 6-3-10
Date

NO. _____
A.M. 10:40 FILED _____

JUN 08 2010

J. DAVID NAVARRO, Clerk
By DIANE M. OATMAN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Grand Jury No. 10-50
	)	ISTARS Case No. CR-FE-2010-0007241
vs.)	
	)	I N D I C T M E N T
JOSEPH RICHARD CLINTON,)	
)	
Defendant.)	
_____)	

JOSEPH RICHARD CLINTON is accused by the Grand Jury of Ada County by this Indictment, of the crime(s) of: LEWD CONDUCT WITH A MINOR UNDER SIXTEEN, FELONY, I.C. §18-1508 committed as follows:

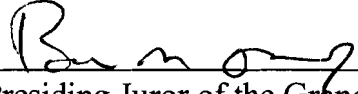
That the Defendant, JOSEPH RICHARD CLINTON, on or between January and April, 2010, in the County of Ada, State of Idaho, did willfully and lewdly, commit a lewd and lascivious act upon the body of a minor, N.C., under the age of sixteen years, to-wit: of

the age of seven (7) years, by having manual to genital contact with the intent to arouse, appeal, or gratify the lust, passion, or sexual desire of the Defendant or said minor child.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

A TRUE BILL

Presented in open Court this 8 day of June 2010.



Presiding Juror of the Grand Jury of
Ada County, State of Idaho.

Names of Witnesses Examined

By the Grand Jury:

IVETT ^{SAHAGUN} ~~MOORE~~ MORALES

EDUARDO SILVA (TRANSLATOR)

ANGELA BEVIER

NOEMY CISNEROS

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

JO. _____
A.M. _____ P.M. _____
JUN 14 2010
J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

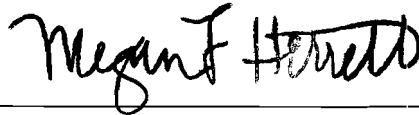
JOSEPH RICHARD CLINTON,
Defendant.

Case No. CR-FE-2010-0007241

MOTION FOR BOND REDUCTION

COMES NOW, JOSEPH RICHARD CLINTON, the above-named defendant, by and through counsel MEGAN HERRETT, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Monday, June 14, 2010.



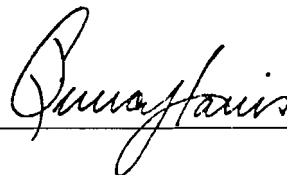
MEGAN HERRETT
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, June 14, 2010, I mailed a true and correct copy of the within instrument to:

CATHY GUZMAN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



MOTION FOR BOND REDUCTION

000027

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DEBORAH A. BAIL
DISTRICT JUDGE

Date: June 14, 2010

COURT MINUTES

STATE OF IDAHO,)

Plaintiff,)

vs.)

Joseph Clinton P/C
Defendant,)

Case No. CR 10 0007241

INITIAL ARRAIGNMENT

Appearances:

Deputy Prosecuting Attorney

Cathy Guzman
Counsel for the State

Deputy Public Defender

Megan Herrett
Counsel for the Defendant

Interpreter _____

THIS TIME SET FOR INITIAL ARRAIGNMENT:

- ☒ The Court informed the defendant of the charges filed being a felony and of the possible penalties which could be imposed.
- ☒ The Court advised the defendant of the right to counsel at public expense in all proceedings of this Court.
- ☒ Public Defender reaffirmed/appointed to represent the defendant.
- ☐ Mr. _____ appearing as counsel of record for the defendant.
- ☐ Right to counsel waived by the defendant.
- ☒ The Court advised the defendant of the right to appeal from any judgment entered by this Court, to be represented by counsel in said appeal and of payment of costs incurred in said appeal at public expense, and of the appeal time being forty-two (42) days.
- ☒ True copy of the ~~information~~ Indictment delivered to the defendant and counsel.
- ☒ True Name.
- ☐ Defendant's corrected name is _____

- Indictment*
- (X) Formal reading of the ~~Information~~ ^{Indictment} waived by the Defendant.
- () The Court read the Information to the Defendant.
- (X) The Court advised the defendant of the right to a trial by jury, of the different charge(s) set forth in the Information, of the time, not less than one day that could be taken before entering a plea and the right to remain silent.
- (X) The Court advised the defendant that if a plea of guilty was entered to a charge, the presumption of innocence, the constitutional right to a trial by jury, the right to confront accusers, the privilege against self-incrimination and the right of self defense would be waived. All legal and factual defenses and any defects in the State's case would be waived.
- (X) Upon the request of the defendant, the Court continued this matter until July 13 @ 9:00 for entry of a plea.
- () Statutory time waived by the defendant.
- () In answer to the Court, the defendant entered a plea of "Not Guilty".
- () There being no objection by the defendant, the Court set this case for trial before the Court and a jury on _____ at _____ m.
- () In answer to the Court, the defendant entered a plea of "Guilty".
- () Defendant sworn and examined regarding the plea.
- () The defendant indicated an understanding of the possible penalties and that no promises of leniency or threats had been made to induce the plea.
- () The defendant fully understands that BY PLEADING GUILTY the presumption of innocence, the constitutional right to a trial by jury, the right to confront accusers, the privilege against self incrimination and the right of self defense are waived. All legal and factual defenses and any defects in the State's case are waived.
- () The Court accepts the defendant's plea of "Guilty".
- () The Court set aside the defendant's plea of "Guilty" and directed the Clerk to enter a plea of "Not Guilty" on behalf of the defendant.
- () Request and Stipulation for Discovery submitted.

- () Compliance date set for _____.
- () The Court ordered a presentence report and continued this matter until _____ at _____ for said report and disposition.
- ☒ Defendant remanded to the custody of the Sheriff.
- () Defendant continued on bond.
- () Defendant continued on own recognizance.

Reporter: Susan Gambee
Clerk: Carol Luedtka

CRIMINAL CASE FILE MEMO

EOP

DATE: July 13, 2010 DEFENDANT PRESENT YN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Robin Lee/ Susan Gamber

RE: State v Joseph Clayton CASE NO. CR100007241

Counsel for the State Cathy Dugan

Counsel for the Defendant Melissa Perrett

Interpreter

Plea Bargain NO

Both counsel ask for some additional time

PTC Sept 27 @ 9:30
45d JT - Oct 12 @ 9:30
Disc Aug 6, 2010

Cl informs counsel her Court reporter is real-time & will have a lap top for def to follow along for hearings & trial.

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told)

State will file an information part II
- Ms Perrett will ask for Bond hearing then

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DEBORAH A. BAIL
DISTRICT JUDGE

July 13th, 2010

THE STATE OF IDAHO,
Plaintiff,

vs.

JOSEPH RICHARD CLINTON,
Defendant.

Case No. CR-FE-2010-0007241

NOTICE OF TRIAL SETTING

THIS IS YOUR NOTICE OF TRIAL SETTING

The above-entitled matter has been set for trial before the Court and a jury for:

Pretrial Conference.....Monday, September 27, 2010 @ 09:30 AM

Judge: Deborah Bail

Jury Trial.....Tuesday, October 12, 2010 @ 09:30 AM

Judge: Deborah Bail

- ▶ All requested jury instructions must be submitted to the court five (5) days prior to trial.
- ▶ Any motion to exclude a witness who was a victim of the alleged crime must be made two (2) weeks prior to trial.
- ▶ Discovery compliance date is set for, August 6, 2010.
- ▶ Notice is hereby given that an alternate judge may be assigned to preside over the trial of this case if the assigned judge is unavailable to try it. The following is the panel:

Hon. G. D. Carey

Hon. Dennis Goff

Hon. Daniel C. Hurlbutt, Jr.

Hon. James Judd

Hon. Peter McDermott

Hon. Duff McKee

Hon. Daniel Meehl

Hon. George R. Reinhart, III

Hon. W. H. Woodland

Hon. Linda Copple Trout

Hon. Kathryn A. Sticklen

Hon. Barry Wood

All Sitting Fourth District Judges

Unless a party has previously exercised their right to disqualification without cause under ICR 25, each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this notice ICR 25 (a) (6).

Copies to Counsel:

ADA COUNTY PROSECUTORS OFFICE

ADA COUNTY PUBLIC DEFENDERS OFFICE

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0007241
vs.)	
	)	MOTION FOR LEAVE TO
JOSEPH RICHARD CLINTON,	)	FILE INFORMATION
	)	PART II
Defendant.)	
_____)	

COMES NOW, Cathy Guzman, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho and moves this Court for its order permitting the State to file an Information, Part II, pursuant to I.C. §49-2520G in the above-matter based on what the State believes is the Defendant's prior record as set out below.

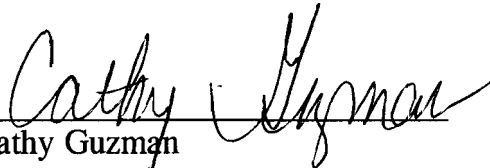
That the Defendant is a registered sex offender, and was previously convicted of a registerable sex offender in the State of Idaho, to-wit: LEWD CONDUCT WITH A MINOR UNDER SIXTEEN, Felony, I.C. §18-1508, on or about the 10th day of April, 1987 in the Fourth Judicial District in Ada County case number 13894.

The State's information as to the Defendant's prior record is based on a state or national records check, the certified copy of Defendant's Sex Offender Registration record from the State of Idaho and County of Ada, as well as a certified Judgment of Conviction, all of which have been provided to Defense Counsel.

RESPECTFULLY SUBMITTED this 14th day of July, 2010.

GREG H. BOWER

Ada County Prosecuting Attorney


Cathy Guzman
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2010, a true and correct copy of the foregoing Motion for Leave to File Information Part II was served to Megan Herrett, Ada County Public Defender by depositing copies of same in the Ada County Interdepartmental Mail.



NO. _____
FILED _____
AM. _____ PM. 4:00
JUL 16 2010
J. DAVID NAVARRO, Clerk
By C. J. [Signature]
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
JUL 15 2010
ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

JOSEPH RICHARD CLINTON,

Defendant.

Case No. CR-FE-2010-0007241

**EX PARTE ORDER ALLOWING
ACCESS TO DEFENDANT**

The Ada County Sheriff shall allow Dr. Craig Beaver, or any member of his/her staff, entry into the Ada County at any and all reasonable, prearranged times. The Ada County Sheriff shall also provide a quiet, private area with a table and any and all other reasonable facilities and necessary equipment to Dr. Craig Beaver, or any members of his/her staff. Some meetings may require the use of at least one hand, the Ada County Sheriff shall also take the necessary course of action to ensure that the defendant is able to complete any and all testing offered by Dr. Craig Beaver, or any member of his/her staff.

SO ORDERED AND DATED, this 16th day of July 2010.

Deborah A. Bail

DEBORAH A. BAIL
District Judge

cc: PA/PD/ACS

JUL 27 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0007241
vs.)	
	)	DISCOVERY RESPONSE
JOSEPH RICHARD CLINTON,	)	TO COURT
)	
Defendant.)	
_____)	

COMES NOW, Cathy Guzman, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Response to Discovery.

RESPECTFULLY SUBMITTED this 26 day of July, 2010.

GREG H. BOWER
Ada County Prosecuting Attorney


Cathy Guzman
Deputy Prosecuting Attorney

NO. _____
4.M. _____ P.M. _____
JUL 27 2010
J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0007241
)	
vs.	)	REQUEST FOR DISCOVERY
)	
JOSEPH RICHARD CLINTON,)	
)	
Defendant.)	
_____)	

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.


(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 26 day of July, 2010.

GREG H. BOWER
Ada County Prosecuting Attorney



Cathy Guzman
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of July, 2010, a true and correct copy of the foregoing Request for Discovery was served to Megan Herritt, Ada County Public Defender by depositing same in the Ada County Interdepartmental Mail



GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
JOSEPH RICHARD CLINTON,)
)
Defendant.)
_____)

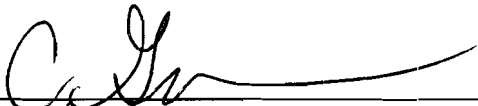
Case No. CR-FE-2010-0007241

NOTICE OF HEARING

TO: Megan Herritt, his Attorney of Record, you will please take notice that on the 2nd day of August, 2010, at the hour of 9:30 o'clock of said day, or as soon thereafter as counsel can be heard, Deputy Prosecuting Attorney Cathy Guzman will move this Honorable Court for a Motion for Leave for Information Part II in the above-entitled action.

DATED this 27 day of July, 2010.

GREG H. BOWER
Ada County Prosecuting Attorney



Cathy Guzman
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of July, 2010, I caused to be served, a true and correct copy of the foregoing Notice of Hearing upon Megan Herritt, Ada County Public Defender by depositing copies of same in the Ada County Interdepartmental Mail.

Morris

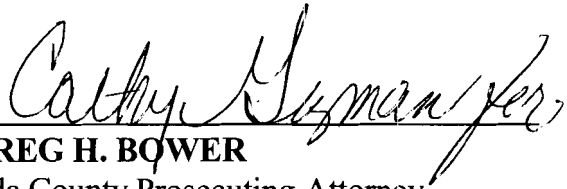
000041

heretofore been convicted of the following registerable sex offense, to-wit: LEWD CONDUCT WITH A MINOR UNDER SIXTEEN, FELONY, I.C. §18-1508.

That the said Defendant, JOSEPH RICHARD CLINTON, on or about the 10th day of April, 1987, was convicted of the crime of LEWD CONDUCT WITH A MINOR UNDER SIXTEEN, FELONY, in the County of Ada, State of Idaho, by virtue of that certain judgment of conviction entered in Ada County case number 13894, for which crime he is mandated to register as a Sex Offender.

WHEREFORE, the said Defendant, having been convicted previously of a registerable sex offense, should be considered a persistent violator of the law, and should be sentenced accordingly pursuant to Idaho Code §19-2520G, upon conviction of the charge contained in PART I of the Information.

DATED this 14 day of July, 2010.


GREG H. BOWER
Ada County Prosecuting Attorney

NO. _____
FILED
A.M. 11:30 P.M. _____
AUG 2 - 2010
J. DAVID NAVARRO, Clerk
By [Signature]
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

RECEIVED
JUL 15 2010
ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0007241
vs.)	
	)	ORDER FOR LEAVE TO
JOSEPH RICHARD CLINTON,	)	FILE INFORMATION
	)	PART II
Defendant.)	
_____)	

THE COURT HAVING HEARD the State's Motion and good appearing;

IT IS SO ORDERED that the State may file an Information, Part II.

DATED this 2nd August day of July, 2010.

[Signature]
Judge

CRIMINAL CASE FILE MEMO

DATE: Aug 2, 2010 DEFENDANT PRESENT YN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambia

RE: State v Joseph Clinton CASE NO. CR100007241

Counsel for the State Cathy Guzman

Counsel for the Defendant Nick Waller for Ms. Bennett.

Interpreter _____

Plea Bargain Ms Guzman argues not file slip Part II

It notes the state advised the Ct it would be
filing on slip Part II.

Ct grants not file slip Part II. Ct arraigns
def on slip Part II.

Mr Clinton addresses Ct & asks to go home. Ct
suggests def let jail medical staff know he is
having trouble sleeping.

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____ 3
A.M. _____ P.M. _____

AUG 05 2010

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

JOSEPH RICHARD CLINTON,

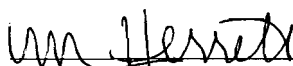
Defendant.

Case No. CR-FE-2010-0007241

MOTION FOR BOND REDUCTION

COMES NOW, JOSEPH RICHARD CLINTON, the above-named defendant, by and through counsel MEGAN HERRETT, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Wednesday, August 04, 2010.



MEGAN HERRETT
Attorney for Defendant


CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, August 04, 2010, I mailed a true and correct copy of the within instrument to:

CATHY GUZMAN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION



000045

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____ 3
A.M. _____ P.M. _____

AUG 05 2010

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

JOSEPH RICHARD CLINTON,
Defendant.

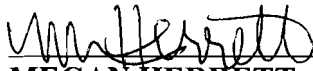
Case No. CR-FE-2010-0007241

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to CATHY GUZMAN:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Monday, September 27, 2010, at the hour of 09:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Wednesday, August 04, 2010.


MEGAN HERRETT
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, August 04, 2010, I mailed a true and correct copy of the within instrument to:

CATHY GUZMAN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

NOTICE OF HEARING

000046

NO. _____ FILED _____
A.M. _____ P.M. _____
SEP 08 2010
J. DAVID NAVARRO, Clerk
By JANA E PETERSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

MEGAN HERRETT, ISB #7003
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

JOSEPH RICHARD CLINTON,

Defendant.

Case No. CR-FE-2010-0007241

MOTION TO COMMIT DEFENDANT
AND REQUEST TO FILE
EVALUATION UNDER SEAL

COMES NOW, MEGAN HERRETT of the Ada County Public Defender's office, counsel of record for Defendant above-named, and moves this Court pursuant to Idaho Code § 18-212(2) to suspend the proceedings against Defendant and commit him to the custody of the director of the department of health and welfare for a period not to exceed ninety (90) days based upon the attached evaluation of Dr. Craig Beaver.

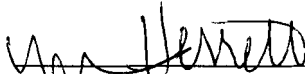
Upon review of Dr. Beaver's findings, undersigned counsel has reason to doubt Mr. Clinton's fitness to proceed. I.C. § 18-210. Defense counsel also has reason to believe Mr. Clinton is unable to assist in his own defense and to understand the proceedings against him.

I.C. § 18-210. Undersigned counsel also feels that Mr. Clinton lacks the capacity to make informed decisions regarding treatment.

Therefore, counsel for Mr. Clinton respectfully requests that this Court issue an ORDER suspending proceedings and committing Mr. Clinton to the custody of the director of the department of health and welfare for a period not to exceed ninety (90) days.

Undersigned counsel further requests this Court seal the attached evaluation conducted by Dr. Craig Beaver pursuant to I.C.A.R. 32(i)(1) as the attached evaluation contains highly intimate facts or statements, which, if publicized, would be highly objectionable to a reasonable person.

DATED, this 7th day of September 2010.



MEGAN HERRETT
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 7 day of September 2010, I mailed (served) a true and correct copy of the within instrument to:

CATHY GUZMAN
Ada County Prosecutor's Office
Interdepartmental Mail



Jacob R. Frecht

SEP 09 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

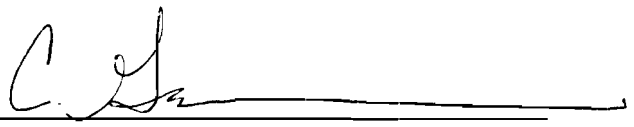
THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0007241
vs.)	
	)	MOTION FOR LEAVE TO
JOSEPH RICHARD CLINTON,	)	PROVIDE ADDITIONAL
	)	INFORMATION TO DR.
Defendant.	)	CRAIG BEAVER
_____)	

The State has received the Psychological/Competency Evaluation of Dr. Craig Beaver. It is the State's belief that providing Dr. Beaver with the Defendant's jail calls, audio and DVD with law enforcement and the polygrapher so the doctor can more accurately determine whether the Defendant has true hearing and comprehension difficulties or is malingering.

Therefore, the State respectfully requests this Court Order Leave for the State to
Provide Additional Information to Dr. Beaver to assist in his evaluation.

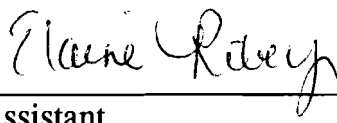
RESPECTFULLY SUBMITTED This 9 day of September, 2010

GREG H. BOWER
Ada County Prosecuting Attorney


By: Cathy Guzman
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9 day of September, 2010, I served a true and correct copy of the foregoing MOTION/ORDER FOR LEAVE TO PROVIDE ADDITIONAL INFORMATION TO DR. CRAIG BEAVER TO: MEGAN HERRITT, ADA COUNTY PUBLIC DEFENDER, 200 W. FRONT STREET, BOISE, ID 83702 VIA INTER-OFFICE MAIL



Legal Assistant

NO. _____ FILED _____
A.M. _____ P.M. 1:25

SEP 23 2010

J. DAVID NAVARRO, Clerk
By _____
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

MEGAN HERRETT, ISB #7003
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED

SEP 08 2010

ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

JOSEPH RICHARD CLINTON,

DOB: [REDACTED]

SSN: [REDACTED]

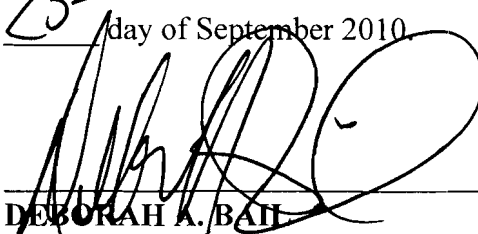
Defendant.

Case No. CR-FE-2010-0007241

ORDER FILING
EVALUATION UNDER SEAL

Counsel for Defendant has submitted an evaluation conducted by Dr. Craig Beaver for the Court's review. Defense counsel has further requested that said evaluation be filed under seal of the Court pursuant to I.C.A.R. 32(i)(1). This Court finds counsel's request just; therefore, this Court hereby seals the evaluation conducted by Dr. Craig Beaver, dated August 30, 2010, until further notice.

SO ORDERED AND DATED, this 23rd day of September 2010.



DEBORAH A. BAIL
District Judge

4
cc: PA/PD
ORDER FILING EVALUATION UNDER SEAL

000052

GREG H. BOWER
Ada County Prosecuting Attorney

Cathy Guzman
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

RECEIVED
SEP 09 2010
ADA COUNTY CLERK

NO. _____
FILED _____
A.M. _____ P.M. 1:25
SEP 23 2010
J. DAVID NAVAREDO, Clerk
BY Cathy Guzman
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

JOSEPH RICHARD CLINTON,)

Defendant.)
_____)

Case No. CR-FE-2010-0007241

**ORDER FOR LEAVE TO
PROVIDE ADDITIONAL
INFORMATION TO DR.
CRAIG BEAVER**

THE COURT HAVING HEARD the State's Motion and good appearing;

IT IS SO ORDERED that the State may provide jail calls, audio, and DVD of
Defendant's interview with law enforcement and polygrapher.

DATED this 23rd day of September, 2010.



Judge

**MOTION/ORDER FOR LEAVE TO PROVIDE ADDITIONAL INFORMATION
(CLINTON), Page 1**

000053

ce: A/PD

CRIMINAL CASE FILE MEMO

PTC

DATE: Sept 27, 2010 DEFENDANT PRESENT YN CUSTODY/BONDFROM: Judge Deborah Bail/ Carol Luedtka/ Susan GambeeRE: State v Joseph Clinton CASE NO. CL100007241Counsel for the State Cathy GuzmanCounsel for the Defendant Megan Herrett

Interpreter _____

Plea Bargain _____

Ms Guzman received the order to get Dr Beamer more information & ask to vacate J.T. Ct vacates the jury trial. Ct wait sign an order of Commitment yet til Dr Beamer has time to review the information.

Ct Cont this to Oct 25th @ 9:30 for a Status Conf to review Psych reports.

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

CRIMINAL CASE FILE MEMO

Status Conf (Psych Eval)

DATE: *Oct 25, 2010* DEFENDANT PRESENT ☒ IN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v *Joseph Clinton* CASE NO. *CR100007241*

Counsel for the State

Cathy Dugman

Counsel for the Defendant

Mega Herrett

Interpreter

Plea Bargain

*Ct reviews file + questions counsel.
Ms Dugman addresses the Ct. Ct votes the
re-assessment shows def is competent to proceed.
Ct directs both evaluations - Aug 30th 2010 + Oct 22 2010
be under seal -*

*Ct will reset trial. Ms Herrett asks it
be set out - it will have to be re-assigned to
another PD + asks time for the attorney to
get up to speed. Ct resets trial to:*

9:30

PTC Jan 13 @ 9:00

4d JT Jan 25 @ 9:30

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DEBORAH A. BAIL
DISTRICT JUDGE

October 26th, 2010

THE STATE OF IDAHO,
Plaintiff,

vs.

JOSEPH RICHARD CLINTON,
Defendant.

Case No. CR-FE-2010-0007241

NOTICE OF TRIAL SETTING

THIS IS YOUR NOTICE OF TRIAL SETTING

The above-entitled matter has been set for trial before the Court and a jury for:

Pretrial Conference.....Thursday, January 13, 2011 @ 09:30 AM
Judge: Deborah Bail

Jury Trial.....Tuesday, January 25, 2011 @ 09:30 AM
Judge: Deborah Bail

- All requested jury instructions must be submitted to the court five (5) days prior to trial.
- Any motion to exclude a witness who was a victim of the alleged crime must be made two (2) weeks prior to trial.

Copies to Counsel:

ADA COUNTY PROSECUTORS OFFICE

ADA COUNTY PUBLIC DEFENDERS OFFICE

CRIMINAL CASE FILE MEMO

PTC

DATE: Jan 13, 2011 DEFENDANT PRESENT YN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v Joseph Clinton CASE NO. CR100007241Counsel for the State Cathy SurmanCounsel for the Defendant Tony Seddes

Interpreter

Plea Bargain

Mr Seddes addresses the ct & asks for a little break to speak w/ Mr Clinton on a new offer.

Ct resumes, Mr Seddes states def will accept the plea offered. gg 2+2. JofC (3/22) 25 2 options (1) Reentry for in-custody sex offender treatment or (2) Probation w/ AFS & sex offender treatment. SANE by Dr Johnston waives estrada, def to be amenable to treatment NC w/ minors fine, fees, PD reinfo open No self Part II Def is free to argue. Ct will allow def to withdraw gg plea up to sentencing time

PSI SANE

S.H. April 4 @ 9:30

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told)

Ms Surman inquires on eval of Dr Beaser given to Dr Johnston - Ct allows & will have clerk forward it to Dr Johnston

JAN 13 2011

Guilty Plea Advisory Form for use in Judge Bail's Court

CHRISTOPHER D. RICH, Clerk
By CAROL LUEDTKA
DEPUTY

Defendant's Name: Joseph Clinton

Date: 1/13/11

Case Number: CR FE 2010 7241

Sentence range on charges for which a guilty plea is being entered:

0 Minimum & Maximum Possible Penalty: life

Minimum & Maximum Possible Penalty: _____

Minimum & Maximum Possible Penalty: _____

Minimum & Maximum Possible Penalty: _____

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY

(PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elected to have a trial, the state could not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent about the charge I am pleading guilty to both before and after trial. PR

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case unless you are waiving your rights under *State v. Estrada*. Unless you waive your rights under *Estrada*, even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty. If you do waive your rights under *Estrada*, you do not have the right to refuse to answer any question or provide any information that might tend to show you committed some other crime(s). PR

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence unless I waive my rights under *Estrada*, in which case, I understand that I must talk freely and openly with the presentence investigator and with

any evaluators regardless of whether it may tend to incriminate me in some other crime(s). R

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. R

4. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. R

5. You have the right to a speedy and public jury trial. A jury trial is a proceeding to determine whether you are guilty of the charge(s) brought against you. You are presumed to be innocent of having committed any crime until and unless the State proves you are guilty beyond a reasonable doubt. In a jury trial, all evidence is submitted to members of this community who serve as jurors. You and your attorney will have a role in choosing the people who sit on your jury. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense if you want to although the decision to testify is entirely up to you. No one can force you to testify at your trial. The State must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. R

6. You have the right to confront the witnesses against you. This means that the witnesses who testify against you in your jury trial will be placed under oath and will testify in your presence and be subject to questioning by your attorney. You also have the right to call witnesses of your choosing to testify on your behalf. You have the right to compel the attendance of witnesses who will testify for you and, if you cannot afford to bring those witnesses to court, they will be paid for at public expense.

I understand that by pleading guilty I am waiving my right to confront and cross examine the witnesses against me, and to present witnesses and evidence in my defense. R

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CIRCLE ONE

1. Do you read and write the English language? YES ☒ NO *illiterate*
If not, have you been provided with an interpreter to help you fill out this form? YES ☒ NO *my attorney*

2. What is your age? *66*

3. What is your true legal name? *Richard Joseph Clinton*

4. How far did you go in school? *8th grade*
If you did not complete high school, have you received either a general education diploma or high school equivalency diploma? YES ☒ NO

5. Are you currently under the care of a mental health professional? YES ☒ NO

6. Have you ever been diagnosed with a mental health disorder? YES ☒ NO

If so, what was the diagnosis and when was it made?

7. Are you currently prescribed any medication? YES ☒ NO *anti depressant*

If so, have you taken your prescription medication during the past 24 hours? YES ☒ NO

8. In the last 24 hours, have you taken any medications or drugs, or drank any alcoholic beverages which you believe affect your ability to make a reasoned and informed decision in this case? YES ☒ NO

9. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? YES ☒ NO

10. Is your guilty plea the result of a plea agreement? YES NO

If so, what are the terms of that plea agreement?

A to plead to L & L
State to dismiss Enhancement
- rec 3 + 22 = 25, prob or ridr if amenable to tx
A to obtain psych eval & cooperate with PST

11. I understand that my plea agreement is a non-binding plea agreement. This means that the judge is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence for any offense. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. Y

12. As a term of your plea agreement, are you pleading guilty to more than one crime? YES NO

If so, do you understand that your sentences for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)? YES NO

13. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues? YES NO
If so, what issue are you reserving the right to appeal?

14. Have you waived your right to appeal your judgment of conviction and sentence as part of your plea agreement? YES NO

15. Have any other promises been made to you which have influenced your decision to plead guilty? YES NO
If so, what are those promises?

16. Do you feel you have had sufficient time to discuss your case with your attorney? YES NO

17. Have you told your attorney everything you know about the crime? YES NO

18. Is there anything you have requested your attorney to do that has not been done? YES NO

If yes, please explain. _____

19. Your attorney can get various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. Have you reviewed the evidence provided to your attorney during discovery? YES NO

20. Have you told your attorney about any witnesses who would show your innocence? YES NO

21. Do you understand that by pleading guilty you will waive any defenses, both factual and legal, that you believe you may have in this case? YES NO

22. Are there any motions or other requests for relief that you believe should still be filed in this case? YES NO

If so, what motions or requests? _____

23. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including: 1) any searches or seizures that occurred in your case, 2) any issues concerning the method or manner of your arrest, and 3) any issues about any statements you may have made to law enforcement? YES NO

24. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? YES NO

25. Are you currently on probation or parole? YES NO
If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole? YES NO

26. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual

admissions could have consequences of deportation or removal, inability to obtain legal status in the United States, or denial of an application for United States citizenship? YES NO

27. Are you required by the crime to which you will plead guilty to register as a sex offender? (I.C. § 18-8304) YES NO

28. Are you aware that if you plead guilty you may be required to pay restitution to the victims in this case? (I.C. § 19-5304) YES NO

29. Have you agreed to pay restitution to any other party as a condition of your plea agreement? YES NO

If so, to whom? yes, but unknown at this time

30. Is there a mandatory driver's license suspension as a result of a guilty plea in this case? YES NO

If so, for how long must your license be suspended? _____

31. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse, or psychosexual evaluation is required? (I.C. §§ 18-918(7)(a), -8005(9), -8317) YES NO

32. Are you pleading guilty to a crime for which you may be required to pay the costs of prosecution and investigation? (I.C. § 37-2732A(K)) YES NO

33. Are you pleading guilty to a crime for which you will be required to submit a DNA sample to the state? (I.C. § 19-5506) YES NO

34. Are you pleading guilty to a crime for which the court could impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307) YES NO

35. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to vote in Idaho? (ID. CONST. art. 6, § 3) YES NO

36. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to hold public office in Idaho? (ID. CONST. art. 6, § 3) YES NO

37. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will

lose your right to perform jury service in Idaho? (ID. CONST. art. 6, § 3) YES NO

38. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES NO

39. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES NO

40. Are you entering your plea freely and voluntarily? YES NO

41. Are you pleading guilty because you did commit the acts alleged in the information or indictment? YES NO

42. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES NO

43. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue with your attorney? YES NO

I have answered the questions on each page of this Guilty Plea Advisory form truthfully, I understand all of the questions and answers in this form, and I have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this day of 13, 2011.

Richard Clinton

DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

[Signature]
DEFENDANT'S ATTORNEY

JAN 18 2011

CHRISTOPHER D. RICH, Clerk
By CAROL LUEDTKA
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

RECEIVED

JAN 14 2011

ADA COUNTY CLERK

Cathy Guzman
Deputy Prosecuting Attorney
200 West Front Street
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-7241
)	
vs.	)	ORDER FOR PSYCHOSEXUAL
	)	EVALUATION
JOSEPH RICHARD CLINTON,)	
)	
Defendant.)	
_____)	

The Defendant having pled guilty to the crime of: LEWD CONDUCT WITH A MINOR UNDER SIXTEEN, FELONY, I.C. §18-1508, and through his counsel of record, waiving his constitutional rights under 5th and 6th Amendments of the United States Constitution and the Constitution of the State of Idaho, and having been advised of, and waiving his rights per State of Idaho vs. Estrada;

IT IS ORDERED that the Defendant shall submit to a psychosexual evaluation to be conducted by evaluator Michael D. Johnston, PhD who is "certified" as defined by the rules of the Sexual Offender Classification Board¹, *at the expense of Ada County. The evaluator shall have access to the defendant at the Ada County Jail if the defendant is in custody.* The evaluator shall prepare a report and submit it to the court in written form,

¹ The rules of the Sexual Offender Classification Board were drafted pursuant to the legal authority of Section 18-8312(7), Idaho Code, to implement the provisions of Sections 18-8321, Idaho Code effective October 1, 2004.

and shall state whether it is probable that the offender is a violent sexual predator in compliance with I.C. 18-8316. The evaluation shall be in the format established by the Sexual Offender Classification Board. The evaluator shall administer a polygraph examination, if necessary to determine the defendant's risk, and shall conduct it in accordance with the rules established by the Sexual Offender Classification Board. *Ada County shall have the right to be reimbursed from the defendant for the cost of the evaluation.*

IT IS FURTHER ORDERED that the Ada County Prosecuting Attorney's Office is authorized to release a copy of the defendant's NCIC report to the evaluator for their use in conducting said evaluation.

IT IS ORDERED that the evaluator is not to duplicate the defendant's NCIC report.

FURTHERMORE, immediately following the completion of the evaluation, the evaluator is hereby ordered to return the defendant's NCIC report, in its entirety, to the Ada County Prosecuting Attorney.

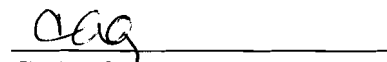
DATED this 18th day of January 2011.



Deborah Bail
District Judge

Submitted by:

Greg H. Bower
Ada County Prosecutor



Cathy Guzman
Deputy Prosecuting Attorney

SENTENCING MEMO

DATE: April 4, 2011 DEFENDANT PRESENT (Y)N CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambia

CASE: STATE v Joseph Clinton No. CR100007241

Prosecutor: Cathy Duran Defense Counsel Ed Odeney WCO w/victim

State recommends: JDC (3/22) 25 Impose on 1yr AD w/ Prob mt 2704-93

Defense recommends: Rider w/ Secured offender program

Interpreter _____

COURT: () Judgment Withheld; _____ years of probation

(☒) Judgment of Conviction

Term of years= 3 fixed followed by 17 ~~yr~~ indeterminate for a total: 20
w/ Sec offender treatment

() RETAINED JURISDICTION () COMMUTED _____

() SUSPENDED, CONDITIONS OF PROBATION:

1. Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense has
_____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, posses or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____.
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO _____

DL SUSPENSION _____ Additional Conditions: _____

No rest or no NCO

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____ FILED _____
A.M. _____ P.M. 3:49

APR 05 2011

CHRISTOPHER D. RICH, Clerk
By TARA THERRIEN
DEPUTY

5 THE STATE OF IDAHO,

6 Plaintiff,

7 vs.

Case No. CRFE10-007241

9 JOSEPH RICHARD CLINTON,

JUDGMENT & COMMITMENT

10 Defendant.

11 SSN: [REDACTED]

12 DOB: [REDACTED]

14
15 On the 4th day of April, 2011, before the Honorable Deborah A. Bail, District
16 Judge, personally appeared Cathy Guzman, Deputy Prosecuting Attorney for the County
17 of Ada, State of Idaho, and the defendant with his attorney, Ed Odessey, for the
18 pronouncement of judgment in this case.

20 The defendant has been convicted upon a plea of guilty to the offense of LEWD
21 CONDUCT WITH A MINOR UNDER SIXTEEN, FELONY, I.C. §18-1508, of the
22 Indictment. The Court asked the defendant if he had any legal cause to show why
23 judgment should not be pronounced against him. No objection was made by either the
24 State or the Defense to the entry of judgment.

27 IT IS FURTHER ADJUDGED that the defendant is guilty as charged and
28 convicted; that the offense for which the defendant is adjudged guilty herein was
29 committed on or between January and April, 2010.

1 IT IS ADJUDGED that the defendant is sentenced pursuant to Idaho Code §19-
2 2513 to the custody of the Idaho State Board of Correction to be held and incarcerated by
3 said Board in a suitable place for a period of time as follows:
4

5 For a minimum fixed and determinate period of confinement of three (3) years;
6 with the fixed minimum period followed by an indeterminate period of custody of up to
7 seventeen (17) years, for a total term not to exceed twenty (20) years.
8

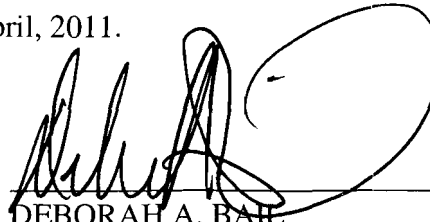
9 Pursuant to Idaho Code §18-309, the defendant shall be given credit for the time
10 already served in this case in the amount of three hundred forty (340) days.
11

12 **The Court specifically recommends that the Defendant participate in Sex**
13 **Offender treatment while incarcerated.**

14 IT IS FURTHER ORDERED that the defendant is committed to the custody of
15 the Sheriff of Ada County, Idaho, for delivery forthwith to the custody of the Idaho State
16 Board of Correction at the Idaho State Penitentiary or other facility within the state
17 designated by the State Board of Correction.
18

19 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this
20 Judgment and Commitment to the said Sheriff, which shall serve as the commitment of
21 the defendant.
22

23 Done in open court this 4th day of April, 2011.
24

25 
26
27 DEBORAH A. BAILE
28 District Judge
29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of April, 2011, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA – EMAIL

ADA COUNTY PUBLIC DEFENDER
VIA – EMAIL

ADA COUNTY JAIL
VIA – EMAIL

DEPARTMENT OF CORRECTION
VIA – EMAIL

PROBATION & PAROLE-PSI DEPARTMENT
VIA – EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 
Deputy Court Clerk

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

No. _____
A.M. _____ FILED _____ P.M. _____

APR 26 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,)	
)	
vs.	)	Criminal No. CR-FE-2010-0007241
)	
	)	NOTICE OF APPEAL
JOSEPH RICHARD CLINTON,)	
)	
Defendant-Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the final Decision and Order entered against him in the above-entitled action on the 5th day of April, 2011, the Honorable Deborah A. Bail, District Judge presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c) (1-10).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

- (a) Did the district court err in imposing an excessive sentence?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

- (a) Entry of Plea Hearing held: January 13, 2011
Court Reporter: S. Gambee
Estimated pages: 50

- (b) Sentencing Hearing held: April 4, 2011
Court Reporter: S. Gambee
Estimated pages: 50

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

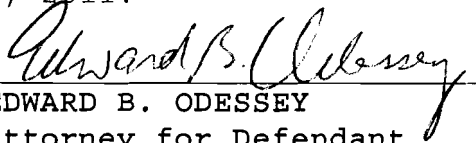
- (a) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing.

7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the Court Reporter, S. Gambee.
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));

- (d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 26th day of April, 2011.

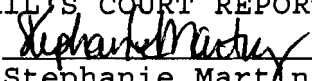

EDWARD B. ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 26th day of April, 2011, I mailed true and correct copies of the foregoing, NOTICE OF APPEAL to:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
P.O. BOX 83720
BOISE, ID 83720-0010

S. GAMBEE, HONORABLE JUDGE BAIL'S COURT REPORTER


Stephanie Martinez

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

RECEIVED
APR 26 2011
ADA COUNTY CLERK

NO. _____
A.M. _____ P.M. 1:40
APR 28 2011
CHRISTOPHER D. RICH, Clerk
By CAROL LUEDTKA
DEPUTY


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-FE-2010-0007241
)	
vs.)	
)	
JOSEPH RICHARD CLINTON,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, JOSEPH RICHARD CLINTON, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, JOSEPH RICHARD CLINTON, in all matters pertaining to the direct appeal.

DATED This 28th day of April, 2010.


DEBORAH A. BAIL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

cf

cc: AA/PD/ST Appellate PD

000074

MAY - 5 2011

CHRISTOPHER D. RICH, Clerk
By NATALIE FARACA
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

EDWARD B. ODESSEY, ISB #2566
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

JOSEPH RICHARD CLINTON,


Defendant.

Case No. CR-FE-2010-0007241

MOTION FOR RECONSIDERATION
OF SENTENCE

COMES NOW, JOSEPH RICHARD CLINTON, Defendant above-named, by and through counsel EDWARD B. ODESSEY, Ada County Public Defender's office, and moves this court to reconsider placing Mr. Clinton on probation pursuant to I.C.R. 35.

DATED, this 4th day of May 2011.




EDWARD B. ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 5 day of May 2011, I mailed (served) a true and correct copy of the within instrument to:

CATHY GUZMAN
Ada County Prosecutor's Office
Interdepartmental Mail



Jacob R. Precht

TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720
(208) 334-2616

NO. _____
A.M. 8:00 P.M. FILED

JUN 08 2011

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

IN THE SUPREME COURT OF THE STATE OF IDAHO

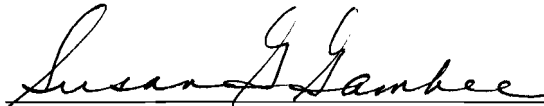
- - - - - x Docket No. 38755-2011
STATE OF IDAHO, :
Plaintiff-Respondent, :
vs. :
JOSEPH RICHARD CLINTON, :
Defendant-Appellant. :
- - - - - x

NOTICE OF TRANSCRIPT OF 56 PAGES LODGED

Appealed from the District Court of the
Fourth Judicial District of the State of
Idaho, in and for the County of Ada,
Deborah A. Bail, District Court Judge.

This transcript contains hearing held on:
10/25/10, 1/13/11, & 4/4/11

DATE: May 11, 2011



Susan G. Gambee, Official Court Reporter
Official Court Reporter,
Judge Deborah Bail
Ada County Courthouse
Idaho Certified Shorthand Reporter No. 18
Registered Merit Reporter

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

JOSEPH RICHARD CLINTON,

Defendant-Appellant.

Supreme Court Case No. 38755

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:


There were no exhibits offered for identification or admitted into evidence during the course of this action.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Pre-Sentence Investigation Report.
2. Evaluation Of Dr. Craig Beaver, dated August 30, 2010 – Filed Under Seal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 8th day of June, 2011.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk

CERTIFICATE OF EXHIBITS

000077

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

JOSEPH RICHARD CLINTON,

Defendant-Appellant.

Supreme Court Case No. 38755

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

CHRISTOPHER D. RICH
Clerk of the District Court

Date of Service: JUN 08 2011

By 
Deputy Clerk

CERTIFICATE OF SERVICE

000078

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

JOSEPH RICHARD CLINTON,

Defendant-Appellant.


Supreme Court Case No. 38755

CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsels.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 26th day of April, 2011.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk

CERTIFICATE TO RECORD

000079